

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

GOVERNOR ANDREW M. CUOMO,

Movant,

v.

OFFICE OF THE NEW YORK STATE  
ATTORNEY GENERAL,

Respondent.

Case No. 22-mc-03044 (LDH) (TAM)

TROOPER 1,

Plaintiff,

v.

NEW YORK STATE POLICE, et al.,

Defendants.

Pending In: Civil Action No. 22-cv-00893  
(LDH) (TAM), United States District Court  
for the Eastern District of New York

**DECLARATION OF THERESA TRZASKOMA IN SUPPORT OF FORMER  
GOVERNOR ANDREW M. CUOMO’S CROSS-MOTION TO COMPEL AND IN  
OPPOSITION TO THE OFFICE OF THE NEW YORK STATE ATTORNEY  
GENERAL’S MOTION TO QUASH GOVERNOR CUOMO’S SUBPOENA**

I, THERESA TRZASKOMA, an attorney admitted to practice before this Court, hereby  
declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner at the law firm Sher Tremonte LLP, counsel to former Governor of  
the State of New York Andrew M. Cuomo (“Governor Cuomo”) in *Trooper 1 v. New York State  
Police, et al.*, No. 22-cv-00893 (LDH) (TAM), a case currently pending in the Eastern District of  
New York (the “Trooper 1 Action”).

2. I submit this declaration in support of Governor Cuomo's Cross-Motion to Compel and in opposition to the Office of the New York State Attorney General's Motion to Quash Governor Cuomo's Subpoena. I have knowledge of the issues described herein.

3. Linked hereto is a March 1, 2021 letter from Beth Garvey, then Special Counsel and Senior Advisor to Governor Cuomo, to Attorney General James making a referral pursuant to Executive Law § 63(8), available at [https://ag.ny.gov/sites/default/files/letter\\_to\\_ag\\_3.1.21.pdf](https://ag.ny.gov/sites/default/files/letter_to_ag_3.1.21.pdf).

4. Linked hereto is a March 8, 2021 press release from the New York State Office of the Attorney General ("OAG") formally announcing the investigation into allegations of sexual harassment against Governor Cuomo, available at <https://ag.ny.gov/press-release/2021/attorney-general-james-makes-appointments-lead-investigation-sexual-harassment>.

5. Linked hereto is the August 3, 2021 OAG's Report of Investigation into Allegations of Sexual Harassment by Governor Andrew M. Cuomo (the "OAG Report"), available at [https://ag.ny.gov/sites/default/files/2021.08.03\\_nyag\\_-\\_investigative\\_report.pdf](https://ag.ny.gov/sites/default/files/2021.08.03_nyag_-_investigative_report.pdf).

6. Linked hereto is a September 5, 2023 article written for the New York Daily News titled "New York Attorney General Tish James Plays FOIL Flimflam With Cuomo Probe Records," available at <https://web.archive.org/web/20231106094842/https://www.nydailynews.com/2023/09/05/new-york-attorney-general-tish-james-plays-foil-flimflam-with-cuomo-probe-records/>.

7. Linked hereto is the May 19, 2021 sworn interview of Trooper 1 conducted by the Office of the New York State Attorney General, available at [https://ag.ny.gov/sites/default/files/2023-01/2021.05.19\\_trooper\\_1\\_10.06.2021.pdf](https://ag.ny.gov/sites/default/files/2023-01/2021.05.19_trooper_1_10.06.2021.pdf).

8. Linked hereto is the January 26, 2024 Agreement Between the United States and the State of New York Executive Chamber Regarding Workplace Reform, available at <https://www.justice.gov/crt/media/1335301/dl?inline>.

9. Linked hereto is an April 3, 2021 article written by Sara Nathan for the New York Post titled “Inside Sandra Lee and Andrew Cuomo’s Split: Gov’s Cheating ‘an Open Secret,’ Sources Say,” available at <https://nypost.com/2021/04/03/inside-sandra-lee-and-andrew-cuomos-split/>.

10. Attached hereto as **Exhibit 1** is a true and correct copy of June 7, 2020 text messages between Trooper 1 and her then-fiancé Charles Brown, produced with the Bates stamp PL026691.

11. Attached hereto as **Exhibit 2** is a true and correct copy of June 2, 2020 text messages between Trooper 1 and her then-fiancé Charles Brown, produced with the Bates stamp PL023549.

12. Attached hereto as **Exhibit 3** is a true and correct copy of undated text messages between Trooper 1 and former PSU member Stephen Nevins, produced with the Bates stamp NEVINS-T1-000006.

13. Attached hereto as **Exhibit 4** is a true and correct copy of May 17, 2020 and May 18, 2020 emails exchanged between Trooper 1, Diane Parrotta, and other members of the PSU, produced with the Bates stamps NYSPESI000031037 through NYSPESI000031038.

14. Attached hereto as **Exhibit 5** is an excerpt of the August 14, 2023 deposition of Diane Parrotta in the above-captioned Trooper 1 Action.

15. Attached hereto as **Exhibit 6** is a true and correct copy of April 17, 2021 text messages between Trooper 1 and her then-fiancé Charles Brown, produced with the Bates stamp PL023569.

16. We have learned through depositions of Trooper 1's supervisors in the above-captioned Trooper 1 Action that none of them ever reported any incident of sexual harassment involving Governor Cuomo and Trooper 1 because none of them ever became aware of conduct that they viewed as sexual harassment.

17. Attached hereto as **Exhibit 7** is a true and correct copy of the transcript of the September 26, 2023 Court conference in the above-captioned OAG Action.

18. Attached hereto as **Exhibit 8** is a true and correct copy of the August 21, 2023 subpoena served by Governor Cuomo on the Office of the New York State Attorney General in *Bennett v. Cuomo*, No. 22-cv-7846 (VSB) (SLC) (S.D.N.Y.).

19. Attached hereto as **Exhibit 9** is a true and correct copy of Former Governor Cuomo's Objections to Magistrate Judge Cave's Order Denying the Motions to Compel Compliance With and Granting the Motions to Quash Subpoenas on the Office of the New York State Attorney General; Cleary Gottlieb Steen & Hamilton LLP; and Vladeck, Raskin & Clark, PC, filed at ECF No. 276 in *Bennett v. Cuomo*, No. 22-cv-7846 (VSB) (SLC) (S.D.N.Y. June 27, 2024).

20. Attached hereto as **Exhibit 10** is a true and correct copy of the transcript of the June 25, 2024 Court conference in the above-captioned OAG Action.

21. Attached hereto as **Exhibit 11** is a true and correct copy of the Verified Petition filed by Governor Cuomo at NYSCEF Doc. No. 1 in *Cuomo v. Off. of the N.Y. State Att. Gen.*, No. 150515/2024 (N.Y. Sup. Ct. Jan. 18, 2024).

22. Attached hereto as **Exhibit 12** is a true and correct copy of the Memorandum of Law in Support of Motion for Permission to Appeal to the Appellate Division filed by Governor Cuomo at NYSCEF Doc. No. 72 in *Cuomo v. Off. of the N.Y. State Att. Gen.*, No. 150515/2024 (N.Y. Sup. Ct. July 10, 2024).

23. Attached hereto as **Exhibit 13** is a true and correct copy of Nonparty Respondent's Memorandum of Law in Support of Cross-Motion to Quash and in Opposition to Movant's Motion to Compel, filed at ECF No. 223 in *Bennett v. Cuomo*, No. 22-cv-7846 (VSB) (SLC) (S.D.N.Y. Mar. 22, 2024).

24. Attached hereto as **Exhibit 14** is a true and correct copy of the privilege log submitted to the Court by the Office of the New York State Attorney General pursuant to the Court's November 3, 2023 Order.

25. Attached hereto as **Exhibit 15** is an excerpt of Diane Parrotta's phone records, dated December 2020 through August 2021, produced by Verizon and re-produced to the Parties by Governor Cuomo with the Bates stamps Verizon-Parrotta-000145 through Verizon-Parrotta-000165 and Verizon-Parrotta-000201 through Verizon-Parrotta-000205. All phone numbers have been redacted, and we have identified some callers by name in text above the respective redactions. I have reviewed these records, and, upon information and belief, the identities of these callers are true and correct.

26. Attached hereto as **Exhibit 16** is a true and correct copy of emails between various members of the NYSP dated August 22, 2021, produced with the Bates stamps NYSPEI000059635 through NYSPEI000059642.

27. Upon information and belief, in the course of the Office of the New York Attorney General's investigation, Charlotte Bennett only produced 773 pages of documents, excluding

many of the thousands of pages of communications and other materials concerning her allegations of sexual harassment against Governor Cuomo that she has produced in *Bennett v. Cuomo*, No. 22-cv-7846 (VSB) (SLC) (S.D.N.Y. June 27, 2024).

28. On March 16, 2021, Trooper 1 and other members of the PSU received a document preservation notice directing them to retain information relevant to the OAG investigation.

Dated: New York, New York  
July 17, 2024

/s/ Theresa Trzaskoma  
Theresa Trzaskoma